

CHAPTER 34 – SPECIAL LICENSING

[HISTORY: Adopted by the Council of the Borough of Northumberland: Article II, 5-3-26 as Ord. No. 60; Article I and III upon adoption of Code, and ~ 34-13 amended upon adoption of Code; see Ch. 1 General Provisions. Other amendments noted where applicable.]

ARTICLE I – PEDDLING, CANVASSING, TRANSIENT MERCHANTS

General References: Amusements - see Ch. 22

Peace and good order - see Ch. 40.

Zoning - see Ch. 61.

34.1.01 License Required. (34-1)

It shall be unlawful for any peddler, canvasser or transient merchant, as defined in 34.1.2 of this Article, to engage in any such business within the Borough of Northumberland without first obtaining a license therefor in compliance with the provisions of this Article.

34.1.02 Definitions. (34-2)

When used in this Article, the following terms shall have the following meanings:

Canvasser

Any person, whether a resident of the Borough of Northumberland or not, who goes from house to house, from place to place or from street to street, soliciting or attempting to take orders from individuals for sale of goods, wares or merchandise, including magazines, books periodicals or personal property of any nature whatsoever, for future delivery, or for service to be performed at that time or in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such order or whether or not he is collecting advance payments on such orders.

Mobile Food Facility (MFF)

A movable retail food facility, such as a stand, vehicle, cart, basket, box or similar structure, from which food is stored, prepared, processed, distributed or sold and the facility:

- (1) physically locates at one site or location for no more than 14 consecutive days, in one calendar year, regardless of whether or not the facility operates continuously during that time period; and
- (2) is not licensed as a temporary retail food facility (TFF) under section 5703(g)(2) of the statute.

No Solicitation Sign

The owner or lawful occupant of any premises within the Borough not desiring to have persons enter onto their premises may post on such premises a legible sign stating, "No Soliciting", "No Solicitors", or words of similar meaning. A sign may be obtained from the Borough Office. The sign should be posted in a front window or on the front door or near the front door. Any door-to-door solicitor or canvasser who shall enter upon the premises in defiance of such sign shall be in violation of this section and shall be liable for the penalty provided for in the Borough's current resolution determining fees and penalties. The resident should ask for their ID information and report it to the Police.

Peddler

Any person who shall engage in peddling, as defined below.

Peddling

Engaging in selling, peddling, canvassing, soliciting or taking of orders, either by sample or otherwise, for any goods, wares or merchandise, upon any of the streets, alleys, sidewalks, public or private parking lots or from house to house within the Borough of Northumberland.

(1) The word "peddling" shall not apply to:

- (a) Farmers selling their own produce and/or goods; the sale of goods, wares, and merchandise, donated by the owners thereof, or the proceeds of which sale are to be applied to a local charitable or philanthropic purpose;
- (b) Individuals, organizations, or agents thereof, soliciting contributions on behalf of organizations or nonprofit corporations exempted from the provisions of, or duly registered pursuant to, the [Act of 1925, May 13, P.L. 644](#), entitled "An act relating to and regulating the solicitation of moneys and property for charitable, religious, benevolent, humane and patriotic purposes," who while soliciting possess a card or other written evidence of their appointment or authority to solicit for said organization or nonprofit corporation.
- (c) Property owners or residents who hold yard sales, garage sales, or porch sales; provided, however, that all yard sales, garage sales, or porch sales are subject to the regulations under Chapter 61, Zoning;
- (d) Children residing within the Shikellamy School District under the age of 18 years of age who take orders for and deliver newspapers, greeting cards, candy, bakery products, and the like, or who represent the Boy Scouts or Girl Scouts;
- (e) Civic organizations located within Northumberland, Pennsylvania;
- (f) Local businesses located within Northumberland, Pennsylvania.

Transient Merchant

Any person, whether a resident of the Borough of Northumberland or not, who temporarily and for a short time hires, rents or obtains a definite place of business, whether a storeroom or a market stand, at or near the highways or streets of the borough, for sale of goods, wares, merchandise or to offer or expose the same for the sale or for future delivery and sale. [Temporarily and short time shall be construed as three (3) months or less.]

34.1.03 Application. (34-3)

- A. Applicants for a license under this Article must file with the Borough Office an application in writing on a form to be furnished by the borough, which will give the following information:
 - 1. Name and physical description of applicant.
 - 2. Complete, permanent home and local address of the applicant, in the case of transient merchants, the local address from which proposed sales will be made.
 - 3. Applicant's driver's license number & date of birth
 - 4. Make, model, color & license number of vehicle to be used. If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.
 - 5. Applicant's local address (if transient merchant).
 - 6. Name, address, and telephone of company or employer
 - 7. Contact person, such as business owner, in case of consumer complaint.
 - 8. Description of business/goods being sold.
 - 9. Date of background check from PA PATCH. A copy of the background check must be included with the application.
 - 10. Respond to "Have you ever been convicted of a felony, theft, or misdemeanor?"
- B. This application shall be accompanied by an initial fee as set by council resolution which fee shall be payable to the Borough of Northumberland.
- C. Each peddler, canvasser or transient merchant must secure an individual license. No license shall be used at any time by any person other than the one to whom it is issued.
- D. Review and Rejection of Applications after Investigation. The Chief of Police or his/her designee shall investigate any Applicant and application with regard to the accuracy of the information on the application

and any record of unsafe, criminal or fraudulent conduct of the Applicant. An application may be rejected where the Chief of Police or his/her designee believes that the applicant is seeking to engage in unsafe, illegal, fraudulent or criminal activity, or has made a material misrepresentation on the license application.

34.1.04 Fees. (34.4)

- A. Fees hereunder shall be set by resolution of council. [As passed 12/18/2001 as part of Ordinance 2001-13, all fees for this and subsequent parts of the borough code are determined by council resolution.]
- B. None of the license fees provided for under this section shall be so applied as to occasion an undue burden neither upon interstate commerce nor upon the manufactures within this commonwealth and their agents who are within Section 2905 of the Borough Code.
- C. Every applicant for a license as a transient merchant as defined in this Article, whether a resident of the borough or not, who hires, leases or occupies a room, apartment, store, shop, building or other structure for the exhibition and sale of goods, wares or merchandise, shall, before commencing such business, comply with this Article, and in addition to the initial fee provided for herein, shall pay for such license a set fee as determined by council resolution; and said license fee or fees shall be paid monthly in advance to the Borough Office.

34.1.05 Loud Noises and Speaking Devices. (34.5)

No licensee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound or amplifying device upon any of the streets, alleys, parks or other public places of the Borough of Northumberland or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

34.1.06 Use of Streets; Time Restrictions. (34.6)

- A. No licensee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets or sidewalks.
- B. No licensee shall be permitted to solicit before 9:00 a.m. or after 12:00 noon neither on Saturdays nor before 9:00 a.m. or after 4:00 p.m., weekdays, Eastern Standard Time. [Amended 9-4-01 by Ord. 2001-9.]
- C. A Farmers Market is permitted from 7:00 a.m. to Noon on Saturdays at such places as the council may designate by resolution. [Added 9-4-01 by Ord. 2001-9.]

34.1.07 Exhibition of License. (34.7)

Licensees are required to exhibit their certificate of license at the request of any citizen.

34.1.08 Rules of Conduct for Licensees.

Every individual, organization, or agent thereof to whom a license has been issued under this chapter shall, in the carrying on of his business or activities in the Borough, comply with the following rules of conduct:

- A. The licensed agent shall visibly display his or her license card at all times and exhibit it to any person upon request.
- B. The licensed agent shall not permit any other person to have possession of his or her license card and shall immediately report its loss to the Borough manager or police department. The licensed agent shall not cause or permit the license card to be altered or defaced.
- C. The licensed agent shall not enter, or attempt to enter, any dwelling house without invitation or permission of the occupant and shall immediately leave any premises upon request.
- D. The licensed agent shall not represent the license card to be an endorsement of himself/herself or of his/her goods or the services of his/her provider or employer.

- E. The licensed agent shall immediately surrender the license card to an agent of the Borough upon suspension and/or revocation of the license as hereinafter provided.
- F. The licensed agent shall comply with all the provisions of this chapter.
- G. The licensed agent shall not solicit at any Borough property on which a “no soliciting,” “no solicitation,” or sign of similar meaning is displayed.

34.1.09 Suspension of License.

Any license hereafter issued may be suspended by the Borough manager or police department upon the failure of the licensee to comply with the standards of conduct or upon ascertainment that the licensee has made any false statement in the license application hereunder. Notice of suspension shall be given by written notice personally served or sent by registered mail to the address designated for this purpose in the application for license.

34.1.10 Appeal from License Suspension.

Any individual, organization, or agent thereof whose license application has been denied or whose license has been suspended shall be entitled to appear before the Borough Council at the next regular or special meeting and be heard in behalf of a request for reinstatement of the license. Council shall hear the licensee at that time if the licensee has given Council at least five days' notice of the desire for a hearing. Following the meeting, Council may reinstate or revoke the license or may continue the suspension of the license for a period not to exceed five years. No individual, organization, or agent thereof shall be denied a license or have his license suspended or revoked except by procedures consistent with the procedures herein.

ARTICLE II – MOBILE FOOD FACILITIES

Insert new ordinance here

ARTICLE III – PARADES, SPECIAL EVENTS, DEMONSTRATIONS, AND PUBLIC GATHERINGS

[Adopted 5-3-26 as Ord. No. 60]

Insert new Special Events Ordinance here

ARTICLE IV – PENALTIES

34.4.01 Violations and penalties. (34-15)

- A. [As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of the borough code are determined by council resolution.]
- B. The Council may require a deposit in advance of a public gathering to offset costs associated with crowd control, traffic control, and other expenses of a large public gathering.